

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 06 07:00:45

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Aaron Javier TAMAYO,

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **March 4, 2008**, within the Southern District of California, defendant **Aaron Javier TAMAYO** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jose Miguel TORRES-Suarez**, **Sergio SORIANO-Perez**, and **Alejandro RODRIGUEZ-Montiel** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 6th DAY OF MARCH,
2008.

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

w

CONTINUATION OF COMPLAINT:

Aaron Javier TAMAYO**PROBABLE CAUSE STATEMENT**

Furthermore, the complainant states that **Jose Miguel TORRES-Suarez, Sergio SORIANO-Perez, and Alejandro RODRIGUEZ-Montiel** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 4, 2008, Supervisory Border Patrol Agent J. Wallace was conducting plain clothes anti-smuggling patrol near the SR-125 and Interstate 905. SBPA Wallace overheard the Remote Video Surveillance System operator broadcast that a group of illegal aliens with a ladder, were jumping the primary International border fence near Cactus Road in Otay Mesa, California. SBPA Wallace responded toward that location. Cactus Road is approximately 5 miles east of the San Ysidro, California Port of Entry and 200 yards north of the international border fence between Mexico and United States.

Agent Wallace was departing a parking lot when he also heard the via remote surveillance operator broadcast that a white commercial van with no side windows was leaving the area. SBPA Wallace observed a white Chevrolet Commercial van with no side windows pass his location. SBPA Wallace began to follow the van, and observed the van as the driver began to cross into oncoming traffic lanes to pass a tractor trailer traveling in front of the vehicle. Agent Wallace continued to follow the vehicle. The van continued west bound on I-905 to the intersection or Heritage Road. At the intersection, traffic was stopped at the red light and the van driver chose to get in the right turn lane and almost struck a vehicle just prior to the transition. The van turned on Otay Valley Road where Agent Wallace lost sight of the Vehicle.

Agent Wallace heard via service radio that the occupants of the van were fleeing on foot. A Border Patrol Helicopter observed a group of individuals running from the van, then observed one subject running into a yellow building and broadcast that information to SBPA Wallace and Senior Patrol Agent R. Callaway who had just arrived on scene. The Helicopter stated that the subject was wearing a gray shirt over black pants. Agent Callaway encounter only one individual in the yellow building, an auto parts store, matching that description. Agent Callaway identified himself as a Border Patrol Agent and has his issued batch clearly visible from his neck chain and asked the subject for identification. The defendant, later identified as **Aaron Javier TAMAYO** presented a California Drivers License. Agent Callaway asked the defendant to step outside of the building and then the Service Helicopter identified him as the subject that had run from the van in to the yellow building. More agents arrived on scene and five illegal aliens were arrested near the van that Agent Wallace had followed from Calle La Linea.

At approximately 12:10 p.m., Agent Callaway placed the defendant **Aaron Javier TAMAYO** under arrest for suspicion of alien smuggling. All other five subjects on the vehicle admitted to being citizens and nationals of Mexico. All five illegal aliens were transported to Chula Vista Station for processing.

**CONTINUATION RE:****Aaron Javier TAMAYO****A# 200 106 563****PR#0803-106-563****DEFENDANT STATEMENT: Aaron Javier TAMAYO**

The defendant stated that he is a citizen of United States. He was advised of his Miranda rights and willing to answer questions without the presence of an attorney. The defendant stated that a friend asked him asked him if he wanted to make some money. The defendant stated that he needed some money and agreed to accompany his friends to pick up some illegal aliens. The defendant claimed that his job was to keep the aliens laid down in the back of the van and he was going to get \$100.00 dollars per alien that was smuggled. The defendant stated that he smuggled in two prior occasions in which he was apprehended at the port of entry and at the Border Patrol checkpoint.

At Approximately 10:06 a.m., the defendant wants to make another statement and was read his Miranda rights again. The defendant admitted he was the driver of the white load van that loaded on La Linea Road in Otay Mesa. The defendant admits that he got out of the white van and opened the door for the illegal aliens to get in. The defendant admits to taking over as driver, because it looked easy. He admits that he was going to received \$100.00 USD per illegal alien that was being smuggled. The defendant was aware he was being followed and admits to driving recklessly to lose the agent following him. The defendant admits to running stop signs and one red light and almost having and accident while trying to lose the agent following him.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Jose Miguel TORRES-Suarez, Sergio SORIANO-Perez, and Alejandro RODRIGUEZ-Montiel** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admitted to enter the United States illegally. The material witnesses stated that they were to pay a fee to be smuggled to various parts of California. Material witnesses were shown a photographic line up. **Jose Miguel TORRES-Suarez, Sergio SORIANO-Perez and Alejandro RODRIGUEZ-Montiel** were able to identify the defendant as the load driver.